



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,773	03/25/2004	Steven W. Vogts	08008.00624	5912
24382	7590	07/02/2008		
JOSEPH S. HEINO, ESQ. DAVIS & KUELTHAU, S.C. 111 E. KILBOURN SUITE 1400 MILWAUKEE, WI 53202-6613			EXAMINER PARSLEY, DAVID J	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 07/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,773

Applicant(s)

VOGTS, STEVEN W.

Examiner

DAVID J. PARSLEY

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Detailed Action

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 9, 13, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,830,399 to Davis in view of U.S. Patent No. 6,314,617 to Hastings or alternatively in view of U.S. Patent No. 2,454,529 to Thompson et al.

Referring to claim 1, Davis discloses a fishing rod handle which comprises, a handle member – at 10', the handle member having an external surface surrounding a hollow internal area – see the interior of item 10' in figure 4, the hollow internal area being defined by an internal surface – see at 86, 108, a fishing rod blank – at 62,66,92, having a cross-sectional dimension that is smaller than that of the hollow interior area of the handle member – see figure 4, and having a first portion – at 64,66,92,94, within the hollow internal area of the handle member and a second portion – at 62, protruding from the handle – see figure 4, and a plurality of vibration disks – at 88, each of the disks being attached to the first portion of the fishing rod

blank at intervals – see via item 84 in figure 4, connected with the internal surface of the hollow internal area of the handle member – see at 86,88 in figure 4, such that a hollow segment is formed between adjacent vibration disks – see figure 4, and such that a plurality of hollow segments are formed within the hollow internal area of the handle member – see the areas between items 88 in figure 4, wherein vibrations emanating from the rod blank are transferred to through the vibration disks to the handle member via contact with the internal surface of the handle member – see figure 4 where the rod blank is connected to the disks and the disks are connected at the front and rear end of the handle and therefore any vibrations in the rod blank would be transferred to the disks and then to the handle. Davis does not disclose each of the disks being in direct contact with the internal surface of the hollow internal area of the handle member. Hastings and Thompson et al. each disclose the disks - at 18 of Hastings and – at 8-10 of Thompson et al., being in direct contact with the internal surface of the hollow internal area of the handle member - at 22 - see figure 2 of Hastings and – at 11-15 in figure 2 of Thompson et al. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis and add the disks in direct contact with the handle member of Hastings or Thompson et al., so as to allow for the handle assembly to be made more durable for repeated use.

Referring to claim 2, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses the internal hollow of the handle member comprises a linear aperture – proximate 64 or proximate 76, defined within the handle member – see figure 4 of Davis.

Referring to claim 3, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses the linear aperture has an internal cylindrical wall – see proximate 64 or

76 in figure 4 of Davis, and the external surface of the handle member is parallel linear with that cylindrical wall – see at 10 and 64 and 76 in figure 4 of Davis.

Referring to claim 5, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses each vibration disk – at 88, comprises a flat circular disk member – at 88, having a central aperture – see figure 5 of Davis, for receiving a portion of the rod blank – at 92 therewithin – see figures 4-5 of Davis.

Referring to claim 9, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses the rod blank, the plurality of disks – see at 100,102, and the handle member is each constructed of a vibration conductive material – see for example figure 4 of Davis.

Referring to claim 13, Davis discloses a vibration amplifying fishing rod handle which comprises, a longitudinally extending cylindrical handle member – at 10', the handle member defined by an external surface surrounding a hollow internal area – see the interior of item 10' in figure 4, the hollow internal area being defined by an internal surface – see at 86 and 108 in figure 4, and an end – at 28,74,76, a longitudinally extending fishing rod blank – at 62,66,92, having a diameter that is substantially smaller than that of the hollow interior area of the handle member – see figure 4, and having a first portion – at 64,66,92,94, within the hollow internal area of the handle member and a second portion – at 62, protruding from the handle – see figure 4, and a plurality of vibration members – at 88, connected with the internal surface of the hollow internal area of the handle member – see at 86 and 88 in figure 4, each of the vibration members being attached to the first portion of the fishing rod blank at intervals – see via item 84 in figure 4, such that the rod blank is fixed at the center of the handle member by the vibration members –

Art Unit: 3643

see figure 4, such that a hollow segment is formed between adjacent vibration disks – see figure 4, and a plurality of hollow segments are formed within the hollow internal area of the handle member – see the areas between items 88 in figure 4, wherein vibrations emanating from the rod blank are transferred through the vibration disks to the external surface of the handle member – see figure 4 where the rod blank is connected to the disks and the disks are connected to the external surface of the handle and therefore any vibrations in the rod blank would be transferred to the disks and handle. Davis does not disclose each of the disks being in direct contact with the internal surface of the hollow internal area of the handle member. Hastings and Thompson et al. each disclose the disks - at 18 of Hastings and – at 8-10 of Thompson et al., being in direct contact with the internal surface of the hollow internal area of the handle member - at 22 - see figure 2 of Hastings and – at 11-15 in figure 2 of Thompson et al. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis and add the disks in direct contact with the handle member of Hastings or Thompson et al., so as to allow for the handle assembly to be made more durable for repeated use.

Referring to claim 15, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses each vibration member – at 88, comprises a flat circular disk member – at 88, having a central aperture – see figure 5 of Davis, for receiving a portion of the rod blank – at 92 therewithin – see figures 4-5 of Davis.

Referring to claim 19, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses the rod blank, the plurality of disks – see at 100,102, and the handle member is each constructed of a vibration conductive material – see for example figure 4 of Davis.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings or Davis as modified by Thompson et al. as applied to claim 1 above, and further in view of U.S. Patent No. 4,467,548 to Tabor.

Referring to claim 4, Davis as modified by Hastings and Davis as modified by Thompson et al. each does not disclose the handle member hollow has a first open end and a second closed end, and including a nose cone, the nose cone having an axially disposed aperture for receiving a portion of the rod blank therewithin and the nose cone being insertable within the first open end of the handle member hollow. Tabor does disclose the handle member hollow – at 2-22, has a first open end – proximate 1, and a second closed end – at 12-13, and including a nose cone – at 2, the nose cone having an axially disposed aperture for receiving a portion of the rod blank – at 1 – see figure 1, therewithin and the nose cone being insertable within the first open end of the handle member hollow – see for example figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis as modified by Hastings or Davis as modified by Thompson et al. and add the handle member with nose cone of Tabor, so as to securely removably hold the rod blank to the handle member.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings or Davis as modified by Thompson et al. as applied to claim 5 above.

Referring to claim 6, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses each vibration disk further includes a prong – see at L in figure 1 of Davis, extending outwardly from the flat disk member – see figure 1 of Davis. Davis as modified by Hastings and Davis as modified by Thompson et al. does not disclose a plurality of prongs – at L on the disk member, however the disk members – at 88, are of a size sufficient to hold a plurality

of prongs – at L of Davis. Therefore, it would have been obvious to one of ordinary skill in the art to take the device Davis as modified by Hastings or Davis as modified by Thompson et al. and add a plurality of prongs so as to allow for the device to store multiple lures.

Referring to claim 7, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses each vibration disk has a first disk face – at the front or rear face of item 88, and each of the plurality of outwardly extending prongs – at L, is bent toward the first disk face – see the curved portion of L in figure 1 of Davis.

Referring to claim 8, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses the vibration disks that are attached to the rod blank are attached such that the prongs of each disk – at L are bent in the same direction – see figure 1 of Davis.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings or Davis as modified by Thompson et al. as applied to claims 9 or 19 above, and further in view of U.S. Patent No. 4,631,853 to Brackett et al.

Referring to claims 10 and 20, Davis as modified by Hastings and Davis as modified by Thompson et al. does not disclose the rod blank is constructed of a graphite material. Brackett et al. does disclose the rod blank – at 2, is constructed of a graphite material – see for example column 4 lines 19-30. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis as modified by Hastings or Davis as modified by Thompson et al. and add the rod blank made of a graphite material, so as to allow for the fishing rod to be both flexible and durable for repeated use.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings or Davis as modified by Thompson et al. as applied to claims 9 and 19 above, and further in view of U.S. Patent No. 2,018,923 to Potter.

Referring to claims 11 and 21, Davis as modified by Hastings and Davis as modified by Thompson et al. does not disclose the handle is constructed of a metal material. Potter does disclose the handle – at 5, is constructed of a metal material – see for example page 1 column 1 lines 31-35. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis as modified by Hastings or Davis as modified by Thompson et al. and add the handle constructed of a metal material of Potter, so as to allow for the handle to be stronger and more durable for repeated use.

Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings as applied to claims 9 or 19 above.

Referring to claims 12 and 22, Davis as modified by Hastings further discloses the vibration disks/members are made of metal – see column 3 lines 42-62 of Hastings. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis as modified by Hastings and add portions of the vibration disks made of metal of Hastings, so as to allow for the disks to be made stronger and more durable for repeated use.

Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Thompson et al. as applied to claims 9 or 19 above. Davis as modified by Thompson et al. does not disclose the vibration disks/members are made of metal. However, it would have been obvious to one of ordinary skill in the art to take the device of Davis as

modified by Thompson et al. and add portions of the vibration disks made of metal, so as to allow for the disks to be made stronger and more durable for repeated use.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings or Davis as modified by Thompson et al. as applied to claim 13 above, and further in view of U.S. Patent No. 4,467,548 to Tabor.

Referring to claim 14, Davis as modified by Hastings or Davis as modified by Thompson et al. does not disclose the handle member hollow has a first open end and a second closed end, and including a nose cone, the nose cone having an axially disposed aperture for receiving a portion of the rod blank therewithin and the nose cone being insertable within the first open end of the handle member hollow. Tabor does disclose the handle member hollow – at 2-22, has a first open end – proximate 1, and a second closed end – at 12-13, and including a nose cone – at 2, the nose cone having an axially disposed aperture for receiving a portion of the rod blank – at 1 – see figure 1, therewithin and the nose cone being insertable within the first open end of the handle member hollow – see for example figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis as modified by Hastings or Davis as modified by Thompson et al. and add the handle member with nose cone of Tabor, so as to securely removably hold the rod blank to the handle member.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as modified by Hastings or Davis as modified by Thompson et al. as applied to claim 15 above.

Referring to claim 16, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses each vibration disk further includes a prong – see at L in figure 1 of Davis, extending outwardly from the flat disk member – see figure 1 of Davis. Davis as

modified by Hastings and Davis as modified by Thompson et al. does not disclose a plurality of prongs – at L on the disk member, however the disk members – at 88, are of a size sufficient to hold a plurality of prongs – at L of Davis. Therefore, it would have been obvious to one of ordinary skill in the art to take the device Davis as modified by Hastings or Davis as modified by Thompson et al. and add a plurality of prongs so as to allow for the device to store multiple lures.

Referring to claim 17, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses each vibration disk has a first disk face – at the front or rear face of item 88, and each of the plurality of outwardly extending prongs – at L, is bent toward the first disk face – see the curved portion of L in figure 1 of Davis.

Referring to claim 18, Davis as modified by Hastings and Davis as modified by Thompson et al. further discloses the vibration disks that are attached to the rod blank are attached such that the prongs of each disk – at L are bent in the same direction – see figure 1 of Davis.

Response to Arguments

3. Regarding claims 1 and 13, the Davis reference US 2830399 discloses the rod blank - at 62,66 as claimed as seen above in paragraph 2 of this office action where a portion of the rod blank is in the internal area of the handle and a portion of the rod blank extends from the handle as seen in figure 4. Further, any vibration in the rod blank - at 62 is transmitted to the disks in that as seen in figure 4 the rod blank is connected to the disks via items 92,94 and therefore any vibrations in the blank will be transmitted to the disks via items 92,94.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PARSLEY whose telephone number is (571)272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Parsley/
Primary Examiner, Art Unit 3643